

1. Introduction

1.1 Purpose and Use of the Draft EIR

This Draft Environmental Impact Report (Draft EIR) has been prepared to analyze potentially significant environmental effects associated with the construction and operation of the proposed Tehachapi East Afterbay Project (proposed project). In addition, the Draft EIR recommends appropriate and feasible mitigation measures or project alternatives that would minimize or eliminate these impacts. The new afterbay would be located east of the bifurcation of the East Branch and West Branch of the California Aqueduct in southern Kern County, just north of the Los Angeles County border, approximately ten miles east of Interstate 5, 3.5 miles north of State Route 138, and nine miles east of Gorman, California. The Tehachapi East Afterbay Project is proposed by the California Department of Water Resources (CDWR) to provide additional storage to the existing Tehachapi Afterbay (Pool 42). This additional storage would allow downstream facilities on the East Branch and, to a lesser extent, the West Branch of the California Aqueduct to operate for short periods without relying on the pumping operations of the Valley String Pumping Plants in the southern San Joaquin Valley, thereby reducing pumping during peak electrical demand periods and providing increased operational flexibility. Pumping could then be shifted from expensive, peak periods of power demand to off-peak periods when power rates are lower, resulting in cost savings and the statewide benefit of more efficient and stable energy consumption. The proposed project is fully described in Chapter 2, Project Description.

This report is intended to serve as an informational document, as outlined in Section 15121(a) of the State California Environmental Quality Act (CEQA) Guidelines:

An EIR is an informational document which will inform public agency decisionmakers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.

Furthermore, this Draft EIR will provide the primary source of environmental information for the lead, responsible, and trustee agencies to consider when exercising any permitting or approval authority directly related to implementation of this project.

When a public agency determines that there is substantial evidence that a project may have a significant effect on the environment, the agency must prepare an EIR before a decision is made to approve the project. EIRs not only identify significant or potentially significant environmental effects, but also identify ways in which those impacts can be reduced to less-than-significant levels, whether through the imposition of mitigation measures or through the implementation of specific alternatives to the project. In a practical sense, EIRs function as a technique for fact-finding that allows an applicant, concerned citizens, and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of information disclosure. This report, while a summary of facts, reflects the professional judgment of the Lead Agency (i.e., CDWR).

As the Lead Agency, the CDWR will decide whether or not to implement the proposed project. The CDWR will consider the information in the EIR along with other information before taking any action to construct the project. The conclusions of the EIR regarding environmental impacts do not control the CDWR's discretion to approve, deny, or modify the project, but instead are presented as information intended to aid the decision-making process.

1.2 Scope of the Draft EIR

A Notice of Preparation (NOP) was prepared that identified potentially significant impacts and dismissed those issues where no impacts would occur, and is provided in Appendix A (Note: After the NOP was submitted to the State Clearinghouse, the project name was changed from the Tehachapi North Afterbay Project to the Tehachapi East Afterbay Project to better reflect the location of the proposed afterbay and to differentiate it from an earlier alternative. No significant details of the project were changed.) The CDWR also solicited input from other agencies through the distribution of the NOP. The NOP identified potentially significant impacts associated with the construction and/or operation of the proposed project in two environmental issue areas. Section 3 of this Draft EIR provides a detailed evaluation of the two issues identified as having potentially significant impacts, and provides mitigation measures to reduce impacts to less-than-significant levels. These issues are:

- Air Quality
- Biological Resources.

In accordance with Section 15128 of the State CEQA Guidelines (*Effects Found Not to be Significant*), an EIR “shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” A discussion of the environmental issues having less-than-significant or no impacts is provided in Section 5.5 of this Draft EIR. A summary of the environmental impacts requiring mitigation, as well as the proposed mitigation measures for those impacts, is provided in Table ES-1 of the Executive Summary.

In addition to the environmental issues identified above, the Draft EIR also includes all of the sections required by the State CEQA Guidelines. Table 1-1 presents a list of sections required under the State CEQA Guidelines, along with a reference to the chapter in this Draft EIR where these items can be found.

Table 1-1. Required Draft EIR Contents

Requirement (State CEQA Guidelines Section)	Location in Draft EIR
Table of contents (Section 15122)	Table of Contents
Summary (Section 15123)	Executive Summary
Project description (Section 15124)	Section 2 (2.4)
Environmental setting (Section 15125)	Section 3 (3.1.3 & 3.2.3)
Significant environmental impacts (Section 15126.2)	Section 3 (3.1 & 3.2)
Unavoidable significant environmental impacts (Section 15126.2)	Section 5 (5.4)
Irreversible environmental changes (Section 15126.2)	Section 5 (5.2)
Growth-inducing impacts (Section 15126.2)	Section 5 (5.1)
Mitigation measures (Section 15126.4)	Section 3 (3.1.4 & 3.2.4)
Alternatives to the proposed project (Section 15126.6)	Section 4
Effects not found to be significant (Section 15128)	Section 5 (5.5)
Organizations and persons consulted (Section 15129)	Section 10
List of preparers (Section 15129)	Section 9

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Requirement (State CEQA Guidelines Section)	Location in Draft EIR
Cumulative impacts (Section 15130)	Section 5 (5.3)
Glossary/Terms/Writing (Section 15140)	Section 8
Appendices/Technical detail (Section 15147)	Appendices
Citations (Section 15148)	Section 7

1.3 Draft EIR Organization

This Draft EIR is organized into nine sections, each dealing with a separate aspect of the required content as described in the State CEQA Guidelines. To help the reader locate information of particular interest, a brief summary of the contents of each section of the Draft EIR is provided. The following sections are contained within the Draft EIR:

- **Executive Summary:** This section contains an overview of the project scope to be evaluated in the Draft EIR, as well as a summary of environmental impacts, proposed mitigation measures, level of significance after mitigation, and unavoidable significant impacts. Also contained within this section is a summary description of project alternatives.
- **Section 1. Introduction:** This section provides an overview of the purpose and use of the Draft EIR, the project scope to be evaluated, the overall CEQA process in relation to the proposed project, and the general format of the Draft EIR.
- **Section 2. Project Description:** This section outlines the project objectives, describes the project location, summarizes the proposed project, and discusses intended uses of the Draft EIR.
- **Section 3. Environmental Analysis:** This section describes and evaluates the environmental issue areas, including the existing environmental setting and background, applicable thresholds of significance, environmental impacts (both short term and long term), policy considerations related to the particular environmental issue area under analysis, proposed mitigation measures capable of avoiding or minimizing significant environmental impacts, and a discussion of cumulative impacts. Where additional actions must be taken to ensure consistency with environmental policies, recommendations are proposed, as appropriate. By consolidating environmental impact assessment and site-specific policy directives within each impact area, clear linkages between impact assessment and related policy consistency can be established.
- **Section 4. Alternatives Analysis:** This section analyzes feasible alternatives to the proposed project, including the No Project Alternative and alternative sites for the proposed project. In addition, the environmentally superior alternative will be determined.
- **Section 5. Other CEQA Considerations:** This section provides a discussion, as applicable, for the following other CEQA considerations that need to be discussed in the Draft EIR: potential growth-inducing impacts; a list of significant and unavoidable project-specific impacts; significant cumulative impacts; environmental impacts not found to be significant; and any irreversible physical changes to the environment resulting from the proposed project.
- **Section 6. Mitigation Monitoring Program:** This section includes a draft Mitigation Monitoring Program prepared in accordance with the requirements of § 21081.6 of California Public Resources Code. The monitoring program is designed to ensure compliance with adopted mitigation measures during project implementation.
- **Section 7. References:** This section identifies all references used and cited in the preparation of this report. A complete record of these references may be obtained by contacting Mary Miller, Senior Environmental Scientist, at the Department of Water Resources, Division of Planning and Local Assistance, 770 Fairmont Avenue, Suite 102, Glendale, CA 91203-1035.
- **Section 8. Glossary of Terms and Acronyms:** This section provides a description of abbreviations and acronyms used throughout the document.

- **Section 9. Report Preparation Staff:** This section identifies all individuals responsible for the preparation of this report.
- **Section 10. Persons and Organizations Consulted:** This section identifies the agencies, organizations, and individuals contacted during the preparation of this report.
- **Appendices:** Technical data supporting the analysis or contents of this Draft EIR are provided in appendices to the document, or in project correspondence and technical files located at the offices of the CDWR.

Project impacts in this Draft EIR are classified as either beneficial (Class IV), less than significant (Class III), significant but mitigable to less-than-significant levels (Class II), or significant and unavoidable (Class I). Where feasible, mitigation measures have been proposed to either eliminate Class I and II impacts or reduce them to less-than-significant levels. Other issue areas having no impacts are discussed in Section 5.5 of this Draft EIR and in the NOP (Appendix A).

1.4 Availability of the Draft EIR for Review

This Draft EIR has been distributed to affected agencies, surrounding cities, counties, and interested parties for a 45-day review period in accordance with Section 15087 of the State CEQA Guidelines. During the 45-day public review period, the Draft EIR is available for public review at the following locations:

Lancaster Library
601 West Lancaster Blvd.
Lancaster, CA 93534
(661) 948-5029

Valencia Library
23743 West Valencia Blvd.
Valencia, CA 91355
(661) 259-8942

Kern County Library
701 Truxton Ave.
Bakersfield, CA 93301
(661) 868-0700

Interested parties may provide written comments on the Draft EIR prior to the close of the public review period. Comments should be submitted in writing and addressed to:

Department of Water Resources
Division of Planning and Local Assistance
Attn: Mary Miller
770 Fairmont Avenue, Suite 102
Glendale, CA 91203-1035

Comments may also be submitted by email to Mary Miller at marym@water.ca.gov during the review period only.

Information concerning the public review schedule for the Draft EIR can be obtained by contacting Mary Miller, CDWR Division of Planning and Local Assistance, at (818) 543-4698.

Upon completion of the 45-day public review period, written responses to comments on environmental issues discussed in the Draft EIR will be prepared and incorporated into the Final EIR.

1.5 EIR Process

This Draft EIR has been prepared to meet all of the substantive and procedural requirements of CEQA (California Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.). The CDWR is the Lead Agency for this project, taking primary responsibility for conducting the CEQA environmental review and approving or denying the project.

As a first step in complying with the procedural requirements of CEQA, the CDWR prepared a NOP to determine whether any aspect of the project, either individually or cumulatively, may cause a significant effect

on the environment and, if so, to narrow the focus (or scope) of the environmental analysis. The CDWR filed the NOP with the State Clearinghouse in the Office of Planning and Research as an indication that a Draft EIR would be prepared. The NOP was also distributed to involved public agencies for a 30-day public review period, which ended on July 23, 2004. The purpose of the NOP review period was to solicit comments on the scope and content of the environmental analysis to be included in the Draft EIR. Relevant comments received from agencies that responded to the NOP were considered in preparation of the Draft EIR, as appropriate.

During the preparation of the Draft EIR, agencies, organizations, and persons who the CDWR believes may have an interest in this project were contacted. Information and comments from these contacts have been included in the Draft EIR, as appropriate. Agencies or interested persons will also have an opportunity to comment during the 45-day public review period of the Draft EIR. After the public review period, CDWR will prepare responses to comments received on the Draft EIR and both the comments and the responses will be incorporated into the Final EIR.

If the CDWR decides to carry out the proposed project, it first must make written findings addressing each significant impact identified in the Final EIR. These findings must either state that alterations have been made to the project to avoid or substantially reduce each significant impact, or that specific economic, legal, social, technological, or other considerations make mitigation of a significant impact infeasible. If the CDWR decides to move forward with the proposed project even though significant unavoidable impacts would occur, the CDWR must prepare and adopt a Statement of Overriding Considerations that explains the specific reasons why the benefits of the proposed project make its unavoidable environmental effects acceptable. The statement is acted on, if required, after the Final EIR has been certified, but before action to approve the project has been taken.

When a Lead Agency makes the findings described above in conjunction with approving a project, a mitigation monitoring and reporting program must be adopted to ensure that the measures imposed to mitigate or avoid significant environmental impacts are implemented.